

ORDINANCE NO. 1764

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
AMENDING LODI MUNICIPAL CODE TITLE 13 – PUBLIC SERVICES –  
CHAPTER 13.12, "SEWER SERVICE," BY REPEALING AND REENACTING  
SECTION 13.12.020 (20) RELATING TO DEFINITION OF INDUSTRIAL  
SYSTEM; AND FURTHER REPEALING AND REENACTING SECTION  
13.12.150 RELATING TO "CONNECTIONS OUTSIDE CITY"

---

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Title 13, "Public Services," Chapter 13.12, "Sewer Service," is hereby amended by repealing and reenacting Section 13.12.020 (20) – relating to definition of Industrial System, and shall read as follows:

20. "Industrial System" means the portion of the sewerage system used primarily for industrial waste, which is compatible for discharging directly into the ponding and irrigation system at the treatment plant. Waste not suitable for direct application to land is prohibited in the Industrial System, which includes, but is not limited to, contents of chemical toilets, septic tanks, waste holding tanks, waste sumps, and domestic sewage.

Section 2. Lodi Municipal Code Title 13, "Public Services," Chapter 13.12, "Sewer Service," is hereby amended by repealing and reenacting Section 13.12.150 – relating to Connections Outside City, and shall read as follows:

WHEREAS:

- a. The City of Lodi's economic health is reliant on the economic health of the local wine industry.
- b. The City has expended significant sums to revitalize its downtown area and consolidate its reputation as a wine tourism destination.
- c. The City and its downtown area will obtain significant economic benefit from local wineries locating tasting rooms in downtown Lodi.
- d. Local wineries are subject to increasing regulation from the California Regional Water Quality Control Board regarding the discharge of their wastewater, making it difficult for them to continue to engage in agricultural pursuits.
- e. San Joaquin County will retain its authority over land use approval for wineries located within County jurisdiction.
- f. The City of Lodi's General Plan contains the following land use element goals:
  - i. Policy LU-A.1 – The City shall seek to preserve Lodi's small-town and rural qualities.
  - ii. Policy LU-A.4 – The City shall promote reinvestment in downtown Lodi and in the Eastside area that upgrades the general quality of development in these areas.

- iii. Goal LU-B – To preserve agricultural land surrounding Lodi and to discourage premature development of agricultural land with nonagricultural uses, while providing for urban needs.
- iv. Policy LU-B.1 – The City shall encourage the preservation of agricultural land surrounding the City.
- v. Policy LU-B.2 – The City should designate a continuous open space greenbelt around the urbanized area of Lodi to maintain and enhance the agricultural economy.
- vi. Policy LU-B.6 – The City shall encourage San Joaquin County to retain agricultural uses on lands adjacent to the City.
- vii. Goal LU-D – To promote and retain development in downtown Lodi.
- viii. Policy LU-D.1 – The City shall preserve and promote downtown Lodi and the City's social and cultural center and an economically viable retail and professional office district.
- ix. Policy LU-D.3 – The City shall enhance pedestrian activity and pedestrian amenities in downtown Lodi.

NOW THEREFORE BE IT FURTHER ORDAINED AS FOLLOWS:

1. Service Outside Lodi. No discharge from facilities or properties outside the City of Lodi shall be allowed into the Domestic Sewerage or storm drainage systems. The City Council may by contract allow connection from winery facilities outside Lodi to the Industrial Sewerage System on the terms set forth in this section so long as the system has adequate existing capacity to service the waste.
2. Terms of Connection. Any connection permitted pursuant to the Contract called for in this Section shall contain the following minimum terms:
  - a. Permit: Applicant shall comply with the terms of the Industrial System Discharge Permit to be issued by the City, which will include but not be limited to limitations on flow, BOD, ph, TDS, and suspended solid concentrations and prohibitions on discharge of hazardous waste in conformance with the City's Discharge Permit.
  - b. Rate/Surcharge: Winery's rate for discharge shall be set at 150 percent of the City's standard published rate for Industrial Waste.
  - c. Capacity Charge: Winery shall pay a one-time capacity charge based on annual flow and BOD loading prior to connection per this chapter.
  - d. Non-Assignment: Applicant may not sell capacity or accept wastewater from other locations.
  - e. Downtown Retail Presence: Applicant shall open and operate a wine tasting room to market its products in Downtown Lodi during the entire term of its connection to the City's sewer system. The establishment shall be operated within the following minimum requirements:
    - i) it shall be at least 500 square feet, have its products available for sampling and sale, and be open a minimum of 40 hours per week, including Saturday and Sunday and shall be located in Downtown Lodi as defined by the area bordered by Church Street, Lodi Avenue, Lockeford Street, and the Union Pacific Railroad tracks.


- ii) If this condition cannot be met within 12 months of connection, Applicant shall pay an annual downtown development and promotional in-lieu fee in the amount established by the City Council. The fee shall be retroactive for one year and shall be assessed annually (until such time as the requirements of subsection i of this paragraph have been satisfied) as annually adjusted according to the Bay Area-All Items Consumer Price Index. If condition i above cannot be met within six years of connection, this Agreement will terminate and Applicant will be required to make alternate arrangements for its wastewater.
- f. Annexation. Applicant, in consideration for receiving City sewer service, will consent to the annexation to the City of Lodi of its property served by the City Industrial Sewerage system, waives any right to protest the annexation, and assigns to the City any right to vote on the annexation. Annexation shall occur when and if the City deems the annexation of the subject property feasible and advisable. In the event the annexation is sought by Applicant, Applicant agrees to pay City an amount to cover the subject property's proportionate share of the costs to conduct the annexation. In the event that the Applicant does ultimately connect to City service, Applicant agrees to enter into a short-form memorandum of agreement expressing the obligations of this paragraph in recordable form.

Section 3 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

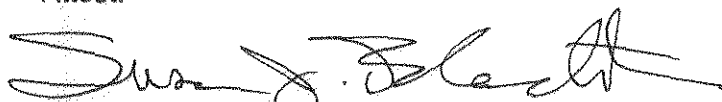
Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect 30 days from and after its passage and approval.

Approved this 21<sup>st</sup> day of September, 2005.

  
JOHN BECKMAN  
Mayor

Attest:

  
SUSAN J. BLACKSTON  
City Clerk

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1764 was introduced at a regular meeting of the City Council of the City of Lodi held September 7, 2005, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held September 21, 2005, by the following vote:

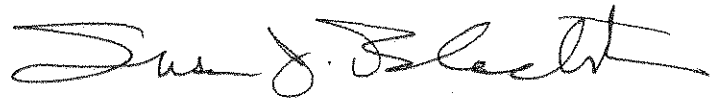
AYES: COUNCIL MEMBERS – Hansen, Johnson, Mounce,  
and Mayor Beckman

NOES: COUNCIL MEMBERS – Hitchcock

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1764 was approved and signed by the Mayor of the date of its passage and the same has been published pursuant to law.



SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:



D. STEPHEN SCHWABAUER  
City Attorney  
402 Janice Magdich, Deputy